

**Notice of Proposed Administrative Penalty Assessment  
and Opportunity to Comment**

**AGENCY:** United States Environmental Protection Agency (EPA), Region 2,  
Centro Europa Building, Suite 417, 1492 Ponce de León Avenue,  
San Juan, Puerto Rico 00907

**ACTION:** Notice of Proposed Administrative Penalty Assessment and  
Opportunity to Comment

**SUMMARY:** EPA is providing notice of proposed administrative penalty assessments for alleged violations of the Clean Water Act (Act). EPA is also providing notice of opportunity to comment on the proposed penalty assessment.

Under 33 U.S.C. §1319(g), EPA is authorized to issue an order assessing a civil penalty for violations of the Act. EPA may issue such order after the commencement of a Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. §1319(g)(4)(a).

Administrative civil penalty proceedings are conducted under EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation Termination or Suspension of Permits" (CROP), 40 C.F.R. Part 22. The procedures through which the public may submit written comments on a proposed administrative penalty action or participate in an administrative penalty proceeding, and the procedures by which a Respondent may request a Hearing, are set forth in the CROP. The deadline for submitting public comment on this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

On date identified below, EPA commenced the following administrative action for the assessment of administrative civil penalty:

**In the matter of Tristella Development Group, Inc., P. O. Box 11918, Caparra Heights Station, San Juan, Puerto Rico 00926., and Dynamic Engineer Group Corp., P. O. Box 1581. Trujillo Alto, Puerto Rico 00977 (Respondents),; Docket Number CWA-02-2011-3454; Proposed Penalty: \$56,454.00, for violation of the NPDES General Permit for Construction Sites; Location of Violation: "Camino Verde II Development" at State Road 844,**

**Km 3.2, Int. State Road 199, El Capá Sector, Cupey Ward, San Juan, Puerto Rico.**

**FOR FURTHER INFORMATION:** Persons wishing to receive a copy of the CROP, review the proposed Consent Agreement and Final Order or other documents filed in this proceeding, comment upon the proposed assessment, or otherwise participate in any of the proceedings, should contact:

Karen Maples  
Regional Hearing Clerk  
U. S. Environmental Protection Agency, Region 2  
290 Broadway, 16th Floor  
New York, New York 10007  
Telephone Number: (212) 637-3247

or

Héctor Ortiz  
Environmental Engineer  
Caribbean Environmental Protection Division  
U. S. Environmental Protection Agency, Region 2  
Centro Europa Building, Suite 417  
1492 Ponce de León Avenue  
San Juan, Puerto Rico 00907  
Telephone Number: (787) 977-5883

Unless otherwise noted, the administrative record for this proceeding is located in the EPA Region 2 Caribbean Environmental Protection Division office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

EPA has provided the Respondents with a Class II Civil Penalty in an effort to promptly settle this matter. In order to provide opportunity for public comments, EPA will issue no final order assessing penalties in this proceeding prior to 30 days from the date specified below.

Dated: August 31, 2011  
Carl-Axel P. Soderberg, Director  
Caribbean Environmental Protection Division